



**PRESENT:**

Mr. Jack R. Wilson, III, Chairman  
Mr. Daniel A. Gecker, Vice-Chairman  
Mr. Sherman W. Litton  
Mr. F. Wayne Bass  
Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ABSENT:**

Mr. Russell J. Gulley

**HISTORIC PRESERVATION COMMITTEE:**

Mrs. Mary Ellen Howe, Chairperson  
Mr. Jim Daniels, Vice-Chairman  
Mr. John V. Cogbill, III  
Mr. Bryan Walker  
Mr. J. Carl Morris  
Mr. George Emerson

**ABSENT:**

Mr. G. M. "Skip" Wallace

**ALSO PRESENT:**

Mr. Glenn E. Larson, Assistant Director, Advance Planning  
and Research and Information Branch, Planning Department  
Mr. Michael E. Tompkins, Assistant Director,  
Development Review Branch Branch, Planning Department  
Ms. Beverly F. Rogers, Assistant Director, Zoning and  
Special Projects Branch, Planning Department  
Mr. Robert V. Clay, Planning and Special Projects Manager,  
Zoning and Special Projects Branch, Planning Department  
Ms. Jane Peterson, Planning and Special Projects Manager,  
Zoning and Special Projects Branch, Planning Department  
Ms. Darla W. Orr, Planning and Special Projects Manager,  
Zoning and Special Projects Branch, Planning Department  
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,  
Zoning and Special Projects Branch, Planning Department  
Mr. Carl D. Schlaudt, Planning Administrator,  
Development Review Branch, Planning Department

Mr. Gregory E. Allen, Planning Administrator,  
Development Review Branch, Planning Department  
Mr. Jeffrey H. Lamson, Senior Planner, Development  
Review Branch, Planning Department  
Mr. Alan G. Coker, Senior Planner, Development  
Review Branch, Planning Department  
Mr. Benjamin T. Humphrey, Planner, Development  
Review Branch, Planning Department  
Ms. Barbara L. Fassett, Planning Administrator, Advance Planning  
and Research Branch, Planning Department  
Mr. James K. Bowling, Principal Planner, Advance Planning  
and Research Branch, Planning Department  
Mr. Steven F. Haasch, Planner, Advance Planning and  
Research Branch, Planning Department  
Ms. Linda N. Lewis, Administrative Assistant, Administration  
Branch, Planning Department  
Ms. Deanna D. Atkins, Administrative Secretary,  
Administrative Branch, Planning Department  
Ms. Michelle L. Martin, Secretary, Administrative Branch,  
Planning Department  
Mr. Jeffrey L. Mincks, Deputy County Attorney,  
County Attorney's Office  
Mr. Allan M. Carmody, Director,  
Budget and Management Department  
Mr. R. John McCracken, Director,  
Transportation Department  
Mr. Richard M. McElfish, Director,  
Environmental Engineering Department  
Mr. Scott Flanigan, Water Quality Manager,  
Environmental Engineering Department  
Mr. Randolph Phelps, Senior Engineer,  
Utilities Department  
Mr. Michael S. Golden, Director,  
Parks and Recreation Department  
Assistant Fire Marshal John P. Jones,  
Fire Department  
Mr. John "Buster" Frith, Communications Specialist,  
Radio Shop

### **WORK SESSION**

At approximately 12:00 p. m., Messrs. Wilson, Gecker, Litton, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**

- B. Review **Upcoming Agendas**.  
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. Review **Day's Agenda**.  
(NOTE: At this time, any items listed for the 3:00 P. m. and 7:00 p. m. Sessions will be discussed.)
- D. **Plans and Information Section Update.**
- E. **Work Program – Review and Update.**
- F. **Consideration of the following Administrative Substantial Accord Determination(s):**

<b>CASE AND DISTRICT</b>	<b><u>APPLICANT</u></b>	<b><u>REQUEST</u></b>	<b><u>PROJECT NAME</u></b>
07PD0195 Matoaca	T-Mobile Northeast LLC	Substantial Accord Determination	T-Mobile - Vepco 219/318 - Alberta Smith
07PD0209 Dale	Chesterfield County Parks and Recreation	Substantial Accord Determination and Amendment of Case 04PD0126	Stratton Property - Phase II

- G. **Deferred Item - Substantial Accord Notification.**
- H. **Deferred Item - Proposed Code Amendment Relative to Residential Setback Requirements in Ettrick.**
- I. **Suspension of By-Laws to Adopt 2007-2008 Planning Commission Regularly Scheduled Meeting Dates.**
- J. **Major Planning Department Projects for FY-08.**
- K. **Adjournment.**

**A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission amended the agenda to add new Items K., Status Report - *Upper Swift Creek Reservoir Master Plan and Maintenance Program*; L., Design Standards for Off-Street Parking; M., Ordinance Amendments relating to Banners; and N., Initiation of Zoning Application for Sunrise Apartments; and reordered the agenda accordingly.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission amended the agenda to add to the 7:00p.m. Evening Session new Items IV. and XIII, Citizens' Input on Unscheduled Matters; and to reorder the agenda accordingly.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

**B. REVIEW UPCOMING AGENDAS.**

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of December 2006 and January, February and March 2007 for the Planning Commission agenda.

**C. REVIEW DAY'S AGENDA.**

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 4:00 p. m. Afternoon Session.

During discussion of Case 06PR0366, Otterdale Partners, LLC, scheduled for discussion at the 4:00 p. m. Afternoon Session, Mr. Wilson declared a conflict of interest pursuant to the Virginia Conflict of Interest Act, noting his firm represented the applicant in matters other than zoning, excused himself from the meeting at 12:34 p. m. and returned at 12:35 p. m.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00p.m. Evening Session.

Mr. Turner noted the proposed Code Amendments scheduled for public hearing and the proposed Planning Commission *By-Laws and "Suggested Practices and Procedures"* scheduled for public comment at the 7:00 p. m. Evening Session.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

**D. PLANS AND INFORMATION SECTION UPDATE.**

There were no Plans and Information projects updates.

**E. WORK PROGRAM.**

There were no additions, deletions or revisions to the Commission's Work Program and it was the consensus of the Commission to adopt their December 2006 Work Program, as presented.

**F. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION(S):**

<b><u>CASE AND DISTRICT</u></b>	<b><u>APPLICANT</u></b>	<b><u>REQUEST</u></b>	<b><u>PROJECT NAME</u></b>
07PD0195 Matoaca	T-Mobile Northeast LLC	Substantial Accord Determination	T-Mobile - Vepco 219/318 - Alberta Smith

No one was present to represent the request.

There was no opposition present.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission confirmed the Director of Planning's decision that the proposed facility (communications tower) for Case 07PD0195, T-Mobile Northeast LLC, was consistent with the Comprehensive Plan.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

<b><u>CASE AND DISTRICT</u></b>	<b><u>APPLICANT</u></b>	<b><u>REQUEST</u></b>	<b><u>PROJECT NAME</u></b>
07PD0209 Dale	Chesterfield County Parks and Recreation	Substantial Accord Determination and Amendment of Case 04PD0126	Stratton Property - Phase II

Mr. Mike Golden, Director of Parks and Recreation, was present to represent the request.

There was no opposition present.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission confirmed the Director of Planning's decision that the proposed public facility (expansion of a previously approved community/special purpose park) for Case 07PD0209, Chesterfield County Parks and Recreation, was consistent with the Comprehensive Plan, subject to the following conditions:

#### **CONDITIONS**

1. Development of the property shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Areas. (P)  
  
(NOTE: The requirements of the underlying Agricultural (A) zoning classification, where these requirements exceed the requirements of the Ordinance for O-2 Districts in Emerging Growth Areas, remain applicable for any athletic facility developed on the property.)
2. Prior to the property being designated for park use or prior to site plan approval, whichever occurs first; thirty-five (35) feet of right of way on the north side of Jessup Road, measured from the centerlines of both roadways immediately adjacent the property, shall be recorded. (T)
3. No direct vehicular access shall be provided from the property to Jessup Road. (T)
4. No outdoor lighting shall be permitted other than security lighting. (P)
5. Park use shall be limited to passive recreational uses such as walking trails, picnic areas, nature observation areas and similar types of uses. Active recreational uses including, but

not limited to, play fields, courts, swimming pools, and playground areas which accommodate swings, jungle gyms or similar such facilities shall not be permitted. (P)

6. The operation of go-carts, motor-cross motorcycles and all terrain vehicles (ATVs) shall not be permitted on the property. (P)

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission confirmed the Director of Planning's decision that the fencing required by Case 04PD0126 was no longer necessary for the proposed public facility (expansion of a previously approved community/special purpose park) for Case 07PD0209, Chesterfield County Parks and Recreation, and the expansion proposal was consistent with the adopted Comprehensive Plan, subject to the following condition:

#### CONDITION

With approval of this request, Condition 8 of Case 04PD0126 shall be deleted. (P)

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

#### **G. DEFERRED ITEM - SUBSTANTIAL ACCORD NOTIFICATION.**

Ms. Rogers presented an overview of the Substantial Accord Notification Policy regarding notification of adjacent property owners for administrative substantial accord proposals, noting that following amendment of the Policy, a public hearing would need to be scheduled to amend the Zoning Ordinance.

Upon conclusion of discussion, it was on motion of Mr. Gecker, seconded by Mr. Bass, that the Commission recommended staff forward to the County Administration Leadership Group a request to amend the following "*Substantial Accord Policy for Public Facilities*" regarding the notification of adjacent property owners for administrative substantial accord proposals and subsequently advertise the following Ordinance Amendment.

### **SUBSTANTIAL ACCORD POLICY FOR PUBLIC FACILITIES**

#### **I. PURPOSE**

The purpose of this policy is to assure that certain proposed facilities, such as those described below, are "substantially in accord" with the Chesterfield County Comprehensive Plan. This authority is found in the County Charter and the Code of Virginia. By establishing this procedure, the Substantial Accord Policy promotes coordinated planning in the siting of public facilities and maintains compatible land use patterns, thereby further improving the County's ability to provide effective and cost efficient services to the public.

## II. DEFINITION OF A PUBLIC FACILITY

Public areas, facilities and uses (hereinafter referred to collectively as "Public Facilities") include, but are not limited to, streets, parks or other public areas and connections thereto, public buildings or structures, public utility facilities and public service corporation facilities, whether such areas, facilities or uses are publicly or privately owned; provided, however, that such terms do not include railroad facilities; electrical transmission lines of 150 kilovolts or more subject to review and approval by the Virginia State Corporation Commission; public telecommunication facilities subject to review and approval by the Virginia Public Telecommunications Board; or public facilities constructed by the State or Federal government.

## III. GENERAL RULE

Except as stated herein, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility, whether publicly or privately owned, shall be constructed, established or authorized unless it is first determined to be substantially in accord with the County's adopted Comprehensive Plan or element thereof (i.e., *Plan for Chesterfield*, *Public Facilities Plan*, the *Thoroughfare Plan* and Countywide special plans).

## IV. FACILITIES EXCEPTED FROM SUBSTANTIAL ACCORD REVIEW

- A. **Public Roads** – Public roads, which are identified within, but not the entire subject of submission of a subdivision plat or site plan submission to be constructed in accordance with the construction and design standards contained within the Chesterfield County Subdivision or Zoning Ordinance, are excepted from the requirement of a substantial accord determination.
- B. **Public Facilities Required as a Condition of Zoning** – A Public Facility which has been approved by the Board of Supervisors through acceptance or imposition of a zoning condition and which is identified within, but is not the entire subject of, a subdivision plat or site plan submission is excepted from the requirement of a substantial accord determination.
- C. *Any public or private public facility which has been approved by the Board of Supervisors following a public hearing held pursuant to the County's Zoning Ordinance so long as such public or private facility or use remains subject to the requirements of the Zoning Ordinance.*
- D. **Service Extensions and Repairs** – Paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations are excepted from the requirement of a substantial accord determination unless involving a change in location or extent of a street or public area.
- E. **Projects not Involving Substantial Change in Scale of Existing Facility** – Improvements to Public Facilities at existing, approved sites which are necessary to the primary site purpose and which do not involve a significant change in scale or level of facility service are excepted from the requirement of a substantial accord determination. Such excepted projects may include building additions, replacement, upgrade, or phased completion of a facility complex. However, if a facility is to be added to an existing site, which expands the level of service beyond the original site purpose, such a project will not be excepted from the requirement of a substantial accord determination. For example, a

regional size swimming pool proposed at an existing neighborhood park will require substantial accord approval.

- F. **Railroads; Electrical Transmission Lines; Public Television and Radio** – Railroad facilities; electrical transmission lines of 150 kilovolts or more subject to review and approval by the Virginia State Corporation Commission; and public telecommunication facilities subject to review and approval by the Virginia Public Telecommunications Board are excepted from the requirement of a substantial accord determination.
- G. **State and Federal Facilities** – Public Facilities constructed by the State or Federal Government are excepted from the requirement of a substantial accord determination.

## V. SUBSTANTIAL ACCORD APPLICATION

- A. **Pre-Application Conference** – Prior to making an application for Substantial Accord Determination, an applicant or their agent shall have a pre-application conference with the Planning Department and other co-reviewing agencies.
- B. **Applications for Substantial Accord Determinations** – With respect to any proposed Public Facility, a request for substantial accord determination must be made on an application form supplied by the Planning Department.

The Director of Planning shall promptly examine all applications to determine whether they are in proper form, and shall advise the applicant of the date on which his application was accepted for review, or what further information is required to constitute a satisfactory application. A request for a substantial accord determination shall not be deemed to have been made until all required information is received by the Planning Department.
- C. **Fee** – The cost of processing each request *as required by the Zoning Ordinance* shall be *paid* simultaneously with the filing of the application. Chesterfield County departments, with the exception of enterprise funded departments and the school board, will not be required to pay this fee.

## VI. SUBSTANTIAL ACCORD DETERMINATION PROCEDURE

*Review by the Director of Planning*—Upon receipt of an application for a substantial accord determination, the Director of Planning shall analyze the general location, character and physical extent of the proposed public facility in light of the adopted elements of the County's Comprehensive Plan, including the *Thoroughfare Plan* and the *Public Facilities Plan*.

The Director of Planning shall examine the siting and planning criteria contained in those documents and shall solicit comments from relevant co-reviewing agencies.

### ~~A. Administrative Determination—Facilities Identified by the Director as already Shown in the Comprehensive Plan~~

- ~~1. The Director of Planning shall determine proposed public facilities to be consistent with the Comprehensive Plan and excepted from the requirement of a substantial accord review if findings in writing are made that such facilities:~~
  - ~~a. Are identified by general location on the Comprehensive Plan maps or mentioned within the Comprehensive Plan text, or are necessarily implied, required or ancillary to land uses designated on the Comprehensive Plan, provided that these facilities are designed to implement the policies of the Comprehensive Plan.~~

~~b. Meet appropriate site location standards set forth in the Comprehensive Plan.~~

~~2. At least one week before its regularly scheduled meeting date, the Planning Director shall send the Planning Commission a list of all Substantial Accord determination requests that have been determined in the previous thirty days to be consistent with the Comprehensive Plan, and the findings upon which such determination was based. At its meeting, the Planning Commission shall either: (1) confirm the Planning Director's determination; or (2) vacate such determination and set the request for public hearing by the Planning Commission; provided, however, that the Commission must take action within 60 days of the date on which the application was accepted for review by the Planning Department unless the applicant requests a deferral or unless such time is extended by the Board of Supervisors. Otherwise, the case shall be deemed approved by the Commission.~~

~~B. Consideration by the Planning Commission—Facilities not already Shown on the Comprehensive Plan or Commission Vacation of Director's Administrative Determination~~

- ~~1. *Public Hearing* – The Commission shall consider the general location, character and physical extent of the proposed Public Facility in relation to the adopted elements of the County's Comprehensive Plan and siting criteria contained in such documents. In addition, the Commission shall hold a public hearing and consider public comments and other relevant factors in arriving at its substantial accord determination, which may be conditional.~~
- ~~2. Failure of the Planning Commission to approve or disapprove a request for a substantial accord determination within sixty (60) days from receipt of proper application in the Planning Department, unless such time is extended by the Board of Supervisors or the applicant requests a deferral, shall be deemed approval by the Commission. Subject to any contrary instructions from the Board of Supervisors, and time permitting, the Commission may defer any request to a subsequent meeting.~~

**VII. NOTIFICATION OF COMMISSION'S DECISION**

The Director of Planning shall promptly file with the Clerk of the Board of Supervisors a written report of each substantial accord determination made by the Planning Commission indicating whether the Commission approved or disapproved such request and the reasons therefore. The Director of Planning shall also promptly notify the applicant of the decision of the Planning Commission.

**VIII. APPEALS BY THE APPLICANT**

The applicant may appeal the decision of the Planning Commission by filing with the Director of Planning within ten (10) days following the Commission's decision a written petition to the Board of Supervisors setting forth the reasons for the appeal. Any appeal by the applicant to the Board of Supervisors must be heard and determined by the Board within sixty (60) days from the date of its filing.

**IX. REVIEW BY THE BOARD OF SUPERVISORS**

By a majority vote of its members, the Board of Supervisors may overrule a substantial accord determination made by the Planning Commission, or refer the matter back to the Planning

Commission directing that an additional public hearing be held, after notice as required by the County Code, and a new determination be made within a specified time period.

**AN ORDINANCE TO AMEND THE CODE OF THE COUNTY  
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING  
AND RE-ENACTING SECTIONS 19-5, 19-6, 19-24, 19-25 and 19-301 OF  
THE ZONING ORDINANCE RELATING TO SUBSTANTIAL  
ACCORD DETERMINATIONS**

*BE IT ORDAINED by the Board of Supervisors of Chesterfield County:*

*(1) That Sections 19-5, 19-6, 19-24, 19-25 and 19-301 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:*

**Sec. 19-5. Enforcement.**

000

(2) *Enforcement of conditions.* The director of planning shall administer and enforce conditions attached to zoning approvals, development approvals and substantial accord approvals ~~for which a public hearing does not occur~~ and he shall have the authority to: issue a written order to remedy any noncompliance with a condition; bring legal action, including injunction, abatement or other appropriate action, to insure compliance with such conditions; and require a guarantee, in a form satisfactory to the county attorney, and in an amount sufficient for and conditioned upon the construction of any physical improvements required by the condition, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the county, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required occupancy or building permits.

(b) *Penalties for violation; right of entry.*

(1) Any person who violates this chapter or fails to comply with any conditions of zoning and development approvals and substantial accord approvals ~~for which a public hearing does not occur~~, other than those provisions set forth in section 19-6, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than \$10.00 and not more than \$1,000.00.

000

(5) If the director of planning determines that any person has violated this chapter or failed to comply with any condition of a zoning or development approval or of a substantial accord approval ~~for which a public hearing does not occur~~, then he shall serve upon that person a notice to comply by either:

- a. Delivering the notice to the person by hand; or
- b. Mailing the notice by first class mail to the last known address of the person.

The notice shall set forth the nature of the violation or failure to comply. Upon failure of the person to remedy the violation, comply with the condition or receive an extension within ten days after the date of delivery or mailing of the notice, the person shall be subject to the penalties set forth above. With respect to violations or failures to comply involving portable signs or the parking or display of motor vehicles, the person shall remedy the violation or comply with the condition within 24 hours of service of the notice or receive an extension, or the person shall be subject to the penalties above.

#### **Sec. 19-6. Civil penalties for certain violations.**

(a) Any violation of the following provisions shall be punishable by a civil penalty of not more than \$100.00 for the initial summons and not more than \$250.00 for each additional summons:

(1) Operation of a business that is not a home occupation, on a lot or parcel inside or outside of a dwelling unit or accessory building, in any R, R-TH, R-MF or A district, without a special exception or conditional use.

(2) Violation of any condition of zoning and development approvals and substantial accord approvals ~~for which a public hearing does not occur~~ that relates to the hours of operation of the use of land or that relates to reduction or control of noise from the use of land.

000

#### **Sec. 19-24. Applications.**

(a) (1) Any application for zoning approval ~~(except substantial accord)~~, or modification to development standards or requirements, may be initiated by resolution of the board of supervisors; by motion of the planning commission; or by petition of the property owner, contract purchaser with the property owner's written consent, or the property owner's agent, with the property owner's written consent. An application for substantial accord of a County facility may also be initiated by the Director of any County Department or County Office.

000

(c) Each application shall have attached a list of names and addresses of all persons owning any adjacent property to include property across any street, road, railroad right-of-way, body of water or political boundary. In addition, if the property is situated at or within 100 feet of the intersection of any two or more roads or highways or within 100 feet of the intersection of the right-of-way of any two railroads, the names and addresses of all property owners situated at all corners of the intersection shall be furnished. The information shall be obtained from the assessor's records.

(d) Any applicant, other than one seeking a substantial accord or to modify development standards or requirements, shall furnish the following information:

- (1) A list of the names and addresses of all persons owning any legal or equitable interest in the real property which is the subject of the application or petition as a title owner, lessee, easement owner, contract purchaser, assignee, optionee, licensee or noteholder, including trustees, beneficiaries of trusts, general partners, limited partners and all other natural or artificial persons owning any such interest; however, the names and addresses of governmental entities and public service companies owning recorded easements over the subject property need not be disclosed.
- (2) If any of the persons disclosed under section 19-24(d)(1) is a corporation, then the application shall also list the names and addresses of any shareholders who own ten percent or more of any class of stock issued by such corporation and, if such corporation has ten or fewer shareholders, a list of the names and addresses of all the shareholders. If any of the persons disclosed under section 19-24(d)(1) is a partnership, joint venture, trust or other artificial person other than a corporation, then the application shall also list the names and addresses of any persons having any interest therein equal to ten percent or more of the total of all such interests and, if ten or fewer persons own all such interests, a list of the names and addresses of all such persons. For any corporation, partnership, joint venture, trust or other artificial person whose owners are unknown to the applicant and whose identities cannot be ascertained by the exercise of due diligence and for any corporation that has more than 100 shareholders or whose stock is regularly traded on a stock exchange or in the over the counter market, the applicant may so certify in lieu of providing a list of its stockholders or other persons having an interest therein.

000

#### **Sec. 19-25. Fees.**

The following fees, which include the costs of hearings, advertisements and notices when required, shall be deposited simultaneously with the filing of the application:

000

- (k) Substantial accord determinations:
  - (1) Existing zoning R, R-TH, R-MF, MH or A classification: 3,100.00
    - a. ~~Planning commission hearing . . . 3,100.00~~
    - b. ~~Administrative determination . . . 450.00~~
  - (2) Existing zoning O, I or C classification: 1,540.00
    - a. ~~Planning commission hearing . . . 1,540.00~~
    - b. ~~Administrative determination . . . 240.00~~

000

#### **Sec. 19-301. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the following meanings:

000

Substantial accord: A determination pursuant to Va. Code §15.2-2232, the County's Charter and the County's Substantial Accord Policy that certain proposed public features, uses areas, structures and facilities are substantially in accord with the County's Comprehensive Plan.

Zoning approval: Includes conditional use, conditional use planned development, conditional zoning, variance, special exception, substantial accord ~~for which a public hearing occurs~~, mobile home permit and rezoning approvals.

(2) *That these ordinances shall become effective immediately upon adoption.*

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

**H. DEFERRED ITEM - PROPOSED CODE AMENDMENT RELATIVE TO RESIDENTIAL SETBACK REQUIREMENTS IN ETTRICK.**

Mr. Schlaudt presented an overview of the proposed Code Amendment pertaining to front yard setback requirements in the Residential (R-7) District in the Ettrick Village Core, which would allow front yard setbacks to be reduced to equal to the average front yard setbacks of nearby developed lots.

When asked, Mr. Larry Belcher, Chairman of the Ettrick Neighborhood and Business Foundation, explained the purpose of the proposed revisions, noting the existing requirement resulted in new residential construction with front yard setbacks out of character with existing residential development.

There was discussion relative to the advantages and/or disadvantages of eliminating the averaging concept, amendment of the language to change the setback requirement from thirty (30) feet to a lesser, fixed distance; and other concerns.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission set the date of, and requested staff advertise, December 14, 2006, at 7:00 p. m., for a public hearing to consider the proposed Code Amendment relative to residential setback requirements in the Ettrick Village Core District, to include language amendments to allow setback averaging based on the lesser of adjacent setbacks, as suggested by the Commission.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

**I. SUSPENSION OF BY-LAWS TO ADOPT 2007-2008 PLANNING COMMISSION REGULARLY SCHEDULED MEETING DATES.**

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission suspended their By-Laws and adopted the following Planning Commission meeting dates for February - December 2007 and January 2008:

**February 20, 2007**  
\*\*February 22, 2007

March 20, 2007  
\*\*March 22, 2007

April 17, 2007  
\*\*April 19, 2007

**APA National Conference**  
**April 14-18, 2007**  
**Philadelphia, PA**

May 15, 2007  
\*\*May 17, 2007

June 19, 2007  
\*\*June 21, 2007

July 17, 2007  
\*\*July 19, 2007

August 21, 2007  
\*\*August 23, 2007

**\*\*Dates for 2nd monthly meeting**, if backlog exists.

September 18, 2007  
\*\*September 20, 2007

October 16, 2007  
\*\*October 18, 2007

November 20, 2007

December 18, 2007

**January 15, 2008 (Annual Meeting)**  
\*\*January 17, 2008

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

**J. MAJOR PLANNING DEPARTMENT PROJECTS FOR FY-08.**

Mr. Larson referenced the list of Major Planning Department Projects for Fiscal Year 2007-08, noting that due to the large number of projects, staff was not recommending any new projects/initiatives be added to the department's work program at this time.

In response to Mr. Gecker's inquiry, Mr. Turner noted staff would update the Commission at the December 14, 2006, Work Session relative to the status of the *Midlothian Corridor Area Plan*.

**K. STATUS REPORT - UPPER SWIFT CREEK RESERVOIR MASTER PLAN AND MAINTENANCE PROGRAM.**

Mr. Flanigan updated the Commission as to the status of the Upper Swift Creek Reservoir Master Plan and Maintenance Program, noting the focus of the update was relative to the analysis of the watershed model and work that had been completed with respect to model calibration, validation and the predicted in-lake total phosphorous (TP) median annual value. He noted a further update would be forthcoming to the Commission at their December 14, 2006, Work Session relative to the analysis of the watershed model.

Upon conclusion of discussion, it was on motion of Mr. Bass, seconded by Mr. Gecker, that the Commission rescheduled discussion of the *Upper Swift Creek Plan Update and related Ordinance Amendments* to the February 20, 2007, Planning Commission Work Session.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

**L. DESIGN STANDARDS FOR OFF-STREET PARKING.**

Mr. Schlaudt presented an overview of the proposed Code Amendment pertaining to design standards for off-street parking, which amendment would allow unpaved overflow parking areas subject to certain design standards and requested the Commission schedule December 14, 2006, for a public hearing to consider the proposal.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission set the date of, and requested staff advertise, December 14, 2006, at 7:00 p. m., for a public hearing to consider the proposed Code Amendment relative to design standards for off-street parking.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

**M. ORDINANCE AMENDMENTS RELATING TO BANNERS.**

Mr. Schlaudt presented an overview of the proposed Code Amendment pertaining to banners, which amendment would increase the number and allowable display time of banners for non-profit organizations and requested the Commission schedule December 14, 2006, for a public hearing to consider the proposal.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission set the date of, and requested staff advertise, December 14, 2006, at 7:00 p. m., for a public hearing to consider the proposed Code Amendment relative to banners.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

**N. INITIATION OF ZONING APPLICATION FOR SUNRISE APARTMENTS.**

Mr. Wilson declared a conflict of interest pursuant to the Virginia Conflict of Interest Act, noting his firm represented the prospective buyer, excused himself from the meeting at 2:03 p. m.

Ms. Rogers explained a request to initiate a zoning application on Tax ID 746-708-9525 (Sunrise Apartments) to amend Case 72SN0023 (72-23A) to delete Conditions 6, 9 and 10 and to amend Conditions 4 and 5 and requested the Commission consider advertising the case for consideration at their January 16, 2007, public hearing.

On motion of Mr. Litton, seconded by Mr. Bass, the Commission initiated a zoning application on Tax ID 746-708-9525 to amend Case 72SN0023 (72-23A) (Sunrise Apartments) to delete Conditions 6, 9 and 10 and to amend Conditions 4 and 5 and further set a public hearing on January 16, 2007.

AYES: Messrs. Gecker, Litton and Bass.  
ABSENT: Messrs. Wilson and Gulley.

Mr. Wilson returned at 12:35 p. m.

**O. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Bass, that the Commission adjourned at approximately 2:06 p. m., with the Commission agreeing to reconvene in the Public Meeting Room at 4:00 p. m. for the Afternoon Session.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

**4:00 P. M. AFTERNOON SESSION**

Mr. Wilson, Chairman, called the Afternoon Session to order at approximately 4:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

**A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

Mr. Turner noted, at Mr. Wilson's request, Case 06PR0284, Currin Garden South (C. F. Currin), was being moved from the Discussion Agenda to the Deferral Request by Individual Planning Commissioner Agenda.

**B. APPROVAL OF PLANNING COMMISSION MINUTES.**

Mr. Turner stated that the first order of business would be the consideration of the October 17, 2006, Planning Commission minutes.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to approve the October 17, 2006, Planning Commission minutes, as written.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

**C. CONSIDERATION OF THE FOLLOWING REQUESTS:**  
♦ **WITHDRAWAL REQUEST.**

**06PR0366:\*** In Matoaca Magisterial District, **OTTERDALE PARTNERS, LLC** withdrew an appeal review to the Director of Environmental Engineering's perennial stream determination. This request lies in an Agricultural (A) District on a 74.4 acre parcel fronting approximately 520 feet on the east line of Otterdale Road south of Foxcreek Crossing. Tax ID 712-672-3060 (Sheet 15).

Mr. Wilson declared a conflict of interest pursuant to the Virginia Conflict of Interest Act, noting his firm represented the applicant in matters other than zoning and excused himself from the meeting at 4:08 p. m.

Mr. John Lane, the applicant's representative, confirmed withdrawal of Case 06PR0366.

No one came forward to speak in favor of, or in opposition to, the withdrawal.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission acknowledged withdrawal of Case 06PR0366, Otterdale Partners.

AYES: Messrs. Gecker, Litton and Bass.

ABSENT: Messrs. Wilson and Gulley.

Mr. Wilson returned to the meeting at approximately 4:09 p. m.

◆ **DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER.**

**06PR0284:** In Bermuda Magisterial District, **C. F. CURRIN, JR.** requested site plan approval with two (2) buffer reductions: 1) a fifty (50) foot reduction to the seventy-five (75) foot buffer required along the south line of the Community Business (C-3) zoned parcel adjacent to Residential Townhouse (R-TH) zoning and 2) a twenty (20) foot reduction to the fifty (50) foot buffer required along the south line of the Corporate Office (O-2) zoned parcel adjacent to Residential (R-7) zoning. This project is commonly known as **CURRIN GARDEN SOUTH**. This request lies in Community Business (C-3) and Corporate Office (O-2) Districts on a 10.67 acre parcel fronting/lying approximately 575 feet on the south line of Iron Bridge Road, also fronting approximately 190 feet on West Booker Boulevard and located in the southwest quadrant of the intersection of these roads. Tax IDs 779-652-Part of 6471 and 9168 and 780-652-Part of 1685 and 2380 (Sheet 26).

Mr. Andy Scherzer, the applicant's representative, accepted deferral of the request by Mr. Wilson to the December 14, 2006, Planning Commission meeting.

Mr. Wilson opened the discussion for public comment relative to deferral of the request.

Mr. Rodney Coleman, an adjacent property owner, and Ms. Andrea Wilhelm, representing Dr. Samuel Galstan Family and Cosmetics Dentistry, supported deferral of Case 06PR0284 to allow the applicant an opportunity to meet with and discuss area residents'/business persons' concerns.

There being no one else to speak, Mr. Wilson closed the public comment.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 06PR0284 to the December 14, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

◆ **DEFERRAL REQUEST BY APPLICANT.**

**07PR0138:** In Midlothian Magisterial District, **KATHERMAN & COMPANY** requested deferral to January 16, 2007, for consideration of site plan approval with a twenty (20) foot reduction to a fifty (50) foot buffer along the east property line with minor grading within the remaining buffer and approval of a conceptual landscape plan for the buffer to the south by Condition 17 of Case 87S052. This project is commonly known as **RAILEY HILL OFFICE PARK**. This request lies in Corporate Office (O-2), Neighborhood Business (C-2) and Community Business (C-3) Districts on an 8.6 acre parcel fronting approximately 190 feet on the west line of North Woolridge Road, also fronting approximately 150 feet on Browns Way Road, also fronting approximately 425 feet on Walton Park Lane. Tax IDs 732-706-7292 and 732-707-3219 and Part of 9933 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07PR0138 to the January 16, 2007, Planning Commission meeting.

Mr. Wilson opened the discussion for public comment relative to deferral of the request.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, supported the deferral to allow discussion of concerns relative to the relocation of Railey Hill.

There being no one else to speak, Mr. Wilson closed the public comment.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to defer Case 07PR0138, Katherman & Company (Railey Hill Office Park), to the January 16, 2007, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

**07PR0169:** In Clover Hill Magisterial District, **QUARLES FUEL NETWORK** requested Planning Commission approval of a conceptual landscape plan, as required by Condition 5(a) of zoning Case 87S016. This project is commonly known as **QUARLES Q-CARD FUEL STATION**. This request lies in a Light Industrial (I-1) District on a 1.4 acre parcel fronting approximately 165 feet on the west line of Oak Lake Boulevard, also fronting approximately 300 feet on Spectrim Lane and located in the southwest quadrant of the intersection of these roads. Tax ID 735-690-6552 (Sheet 10).

Mr. Litton stated his firm was the design consultant for this request, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act as and excused himself from the meeting at approximately 4:09 p. m.

The applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved that approval of the conceptual landscape plan, as required by Condition 5(a) of zoning Case 87SN0016, shall be for Case 07PR0169, Quarles Fuel Network (Quarles Q-card Fuel Station), and it thereby was granted.

AYES: Messrs. Wilson, Gecker and Bass.

ABSENT: Messrs. Gulley and Litton.

Mr. Litton returned to the meeting at approximately 4:10 p. m.

**07PR0170:** In Clover Hill Magisterial District, **NORTH SOUTH CONSTRUCTION** requested Planning Commission approval of a conceptual landscape plan, as required by Condition 5(a) of zoning Case 87S016. This project is commonly known as **OAKLAKE NORTH SOUTH**. This request lies in a Light Industrial (I-1) District on a 1.9 acre parcel fronting approximately 600 feet on the west line of Wilfong Court. Tax ID 737-692-0626 (Sheet 10).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved that approval of the conceptual landscape plan, as required by Condition 5(a) and Textual Statement Condition 2 of zoning Case 87SN0016, shall be for Case 07PR0170, Northsouth Construction (Oaklake Northsouth), and it thereby was granted, subject to the following condition:

CONDITION

The entire front yard setback shall be irrigated using an automatic sprinkler system. (P)

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

**07PR0178:** In Clover Hill Magisterial District, **CARNES CONSTRUCTION** requested Planning Commission approval of a conceptual landscape plan, as required by Condition 5(a) of zoning Case 87S016. This project is commonly known as **ROE OAKLAKE FACILITY**. This request lies in a Light Industrial (I-1) District on a 7.74 acre parcel fronting approximately 650 feet on the north line of Oak Lake Boulevard. Tax ID 735-691-6092 (Sheet 10).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved that approval of the conceptual landscape plan, as required by Condition 5(a) and Textual Statement Condition 2 of zoning Case 87S016, shall be for Case 07PR0178, Carnes Construction (Roe Oaklake Facility), and it thereby was granted, subject to the following condition:

## CONDITION

The entire front yard setback shall be irrigated and maintained using an automatic sprinkler system.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

**07PR0180:** In Clover Hill Magisterial District, **COV, LLC** requested approval of architecture, as required by Condition 2 of Case 89SN0150 and conceptual landscape plan, per Condition 3 of the Textual Statement. This project is commonly known as **CARDIOLOGY OF VIRGINIA-WATERFORD**. This request lies in a Light Industrial (I-1) District on a 0.75 acre parcel fronting approximately 180 feet on the south line of Waterford Lake, also fronting approximately 150 feet on Watercove Road and located in the southeast quadrant of the intersection of these roads. Tax ID 729-689-9331 (Sheets 9 and 10).

Mr. Delmar Dayton, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved that approval of architecture, as required by Condition 2 of zoning Case 89SN0150 and a conceptual landscape plan, as required by Condition 3 of the Textual Statement of the same case, shall be for Case 07PR0180, COV, Inc. (Cardiology of Virginia – Waterford) and it thereby was granted.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.  
ABSENT: Mr. Gulley.

**07PR0183:** In Bermuda Magisterial District, **DOMINION HOSPITALITY, LLC** requested approval of architecture for an addition to an existing hotel building, as required by Case 00SN0173. This project is commonly known as **HYATT PLACE (FORMERLY AMERISUITES) HOTEL ADDITION**. This request lies in a Residential (R-15) District on a 3.5 acre parcel fronting approximately 250 feet on the south line of Bermuda Hundred Road, also lying approximately 200 feet off the north line of East Hundred Road and also known as 13148 Kingston Avenue. Tax IDs 818-652-8208 and 8233 (Sheet 27).

Mr. Butch Altman, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved that approval of architectural treatment for an addition to an existing hotel building, as required by Proffered Condition 6 of zoning Case 00SN0173, shall be for Case 07PR0183, Dominion Hospitality, LLC (Hyatt Place (formerly AmeriSuites) Hotel Addition), and it thereby was granted.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

## **FIELD TRIP AND DINNER SELECTIONS.**

### **♦ FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip to visit requests sites.

### **♦ DINNER LOCATION SELECTION.**

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to meet for dinner at Chili's Grill and Bar, 12305 Jefferson Davis Highway, Chester, VA.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

## **E. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Bass, that the Commission adjourned the Afternoon Session at approximately 4:14 p. m., agreeing to meet at 5:00 p. m. for dinner at Chili's Grill and Bar, 12305 Jefferson Davis Highway, Chester, VA.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

## **7:00 P. M. EVENING SESSION**

### **JOINT PLANNING COMMISSION/HISTORIC PRESERVATION COMMITTEE PUBLIC HEARING.**

At approximately 7:00 p. m., Mr. Wilson, Chairman of the Planning Commission, called the joint Planning Commission and Historic Preservation Committee public hearing to order. He explained the Commission and Preservation Committee were considering one (1) request for historic landmark designation.

### **A. INVOCATION.**

Mr. Wilson presented the invocation.

### **B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.**

Mr. Clay led the Pledge of Allegiance to the Flag.

### **C. REVIEW MEETING PROCEDURES.**

Mr. Turner reviewed the meeting procedures relating to the Planning Commission/Historic Preservation Committee's consideration of historic landmark designations and called the following request for consideration as an historic landmark designation.

**D. HISTORIC LANDMARK DESIGNATION REQUEST.**



**07HP0165:** In Bermuda Magisterial District, **KATHERINE LIPSCOMB** requests historic landmark designation and amendment of zoning district map for **MISS MINOR'S FEMALE ACADEMY**. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5 dwellings per acre or less. This request lies in a Residential (R-7) District on 0.4 acre and is known as 4330 School Street. Tax ID 789-654-0405.



The Planning Commission and Historic Preservation Committee held a joint public hearing to consider historic landmark designation for Case 07HP0165, Katherine Lipscomb (Miss Minor's Female Academy). (Note: See separate set of Joint Planning Commission/Historic Preservation Committee Meeting minutes dated November 16, 2006).

**E. ADJOURNMENT.**

There being no further business to come before this Joint Session, the meeting adjourned at approximately 7:04 p.m. and the Commission recessed to allow preparations to continue their regular meeting to consider zoning recommendations.

Reconvening:

**REGULARLY SCHEDULED PLANNING COMMISSION MEETING.**

Mr. Wilson called the regularly schedule Planning Commission Evening Session to order at approximately 7:07 p. m.

**A. REVIEW AGENDAS FOR UPCOMING MONTHS.**

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months, noting there were twelve (12) cases scheduled on the December 14, 2006, agenda; fifteen (15) cases scheduled on the January 16, 2007, agenda; nine (9) cases on the February 20, 2007, agenda; and two (2) cases scheduled on the March 20, 2007, Planning Commission agenda.

**B. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

**C. REVIEW MEETING PROCEDURES.**

Mr. Turner reviewed the meeting procedures for rezonings, conditional uses and Code and/or Plan amendments.

**D. CITIZENS' INPUT ON UNSCHEDULED MATTERS.**

No one came forward to speak on unscheduled matters at this time.

**E. DEFERRED ITEM – ACTION ON THE FOLLOWING CODE AMENDMENT.**

◆ **NON-COMMERCIAL SIGNS.**

**(A PUBLIC HEARING ON THIS CODE AMENDMENT WAS HELD AND CLOSED AT A PREVIOUS SESSION OF THE PLANNING COMMISSION AND DEFERRED TO THIS DATE FOR ACTION.)**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-637 of the Zoning Ordinance. The proposed amendment will limit non-commercial signs in Agricultural and Residential Districts to five (5) feet in height and a total area not greater than eight (8) square feet.

◆ ◆ ◆

Mr. Turner stated, at the October 17, 2006, meeting, a public hearing was held regarding a proposed Amendment to Section 19-637 of the Zoning Ordinance to regulate the size of certain non-commercial signs in Agricultural and Residential Districts; and the public hearing was closed and deferred to this date for action.

In response to Mr. Bass' request, Mr. Mincks explained the purpose of the proposed Code Amendment.

Mr. Bass stated he did not feel the County should be involved in the regulation of signs located on private property and that the proposed Amendment should not go forward.

Mr. Gecker concurred with Mr. Bass, noting the proliferation of such signs did not appear to him to be County-wide; that he felt the intent of the proposed Amendment was to target and inhibit political free speech; and he did not intend to support a recommendation for approval.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend that Amendment to Section 19-637 of the Zoning Ordinance to regulate the size of certain non-commercial signs in Agricultural and Residential Districts not be approved.

AYES: Messrs. Gecker and Bass.  
NAYS: Mr. Litton.  
ABSTENTION: Mr. Wilson.  
ABSENT: Mr. Gulley.

**F. CONSIDERATION OF THE FOLLOWING REQUESTS.**

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

**06SN0156:** In Dale Magisterial District, **G. H. COGBILL LIMITED COMPANY AND D. O. ALLEN HOMES** requested deferral to February 20, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Community Business (C-3) to Community Business (C-3) with Conditional Use to permit townhouses and multifamily residential uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 81.4 acres fronting approximately 540 feet on the west line of Beach Road approximately 500 feet south of Krause Road and also fronting 255 feet on the south line of Iron Bridge Road approximately 1,000 feet west of Beach Road. Tax IDs 769-661-5744; 769-662-7415; and 770-660-4296.

Mr. Burke Lewis, the applicant's representative, requested deferral of Case 06SN0156 to the February 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to defer Case 06SN0156 to the February 20, 2007, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

**06SN0220:** In Dale Magisterial District, **BROOKSTONE BUILDERS** requested deferral to February 20, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-12) to Residential (R-15). Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 188 acres fronting in two (2) places approximately 1,250 feet on the north line of Jacobs Road, also fronting approximately 1,150 feet on the west line of Fordham Road and lying at the southern termini of Double Tree Lane and Land Grant Drive and the western termini of Barefoot Trail and Quail Ridge Road. Tax IDs 753-680-Part of 5601; 753-684-4148; 754-681-5861; 755-683-7406; 756-683-5406; 757-682-0789 and 3089; and 757-683-1431 and 1912.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 06SN0220 to the February 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to defer Case 06SN0220 to the February 20, 2007, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

**07SN0136:** In Matoaca Magisterial District, **PRISTINE DEVELOPMENT LLC** requested deferral to January 16, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 189 acres fronting in two (2) places for approximately 670 feet on the north line of Duval Road approximately 1,650 feet west of Otterdale Road. Tax IDs 704-678-Part of 4771 and 705-680-3057.

Mr. John Easter, the applicant's representative, requested deferral of Case 07SN0136 to the January 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to defer Case 07SN0136 to the January 16, 2007, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

**07SN0152:** In Matoaca Magisterial District, **PATRICIA H. PATTON** requested deferral to January 16, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) plus Conditional Use Planned Development to permit exceptions to setback requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses. This request lies on 10.3 acres fronting approximately 1,230 feet on the south line of Hull Street Road approximately 440 feet east of Mockingbird Lane. Tax ID 731-674-2477.

Mr. Wil Shewmake, the applicant's representative, requested deferral of Case 07SN0152 to the January 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to defer Case 07SN0152 to the January 16, 2007, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

**07SN0161:** In Midlothian Magisterial District, **STYLECRAFT HOMES OF VIRGINIA** requested deferral to December 14, 2006, for consideration of amendment to Conditional Use Planned Development (Case 94SN0138) and amendment of zoning district map to delete age restriction for occupancy. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies in a Residential (R-9) District on 9.4 acres fronting approximately 1,200 feet on the west line of Coalfield Road, also fronting approximately 800 feet on the southwest line of Manders Drive and located in the southwest quadrant of the intersection of these roads. Tax IDs 726-701-7469, 7577, 7672, 8659, 8754, 8865, 8960, 9173, 9368, 9479, 9574, 9887 and 9982; 726-702-6940, 7035, 7146, 7342, 7453, 7548, 7919, 8125, 8215, 8332, 8420, 8438, 8528, 8700, 8733, 8745, 8841, 8908, 8950, 9103, 9116, 9146, 9257, 9322, 9353, 9363, 9411, 9559, 9618, 9630, 9668, 9764, 9837, 9876 and 9925; 727-701-0093, 0288 and 0597; and 727-702-0072, 0081, 0132, 0145, 0277, 0401, 0440, 0451, 0488, 0584, 0647, 0705, 0760, 0793, 0866, 0989, 1054, 1117, 1221, 1261, 1373, 1423, 1427, 1568, 1580, 1636, 1731, 1842, 1875, 1888, 2037, 2050, 2083, 2290, 2345, 2357, 2652, 2665, 2860, 2871, 3166, 3179, 3474, 3487, 3594, 3681 and 3989.

Mr. Larry Horton, the applicant's representative, requested deferral of Case 07SN0161 to the December 14, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to defer Case 07SN0161 to the December 14, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

**06SN0244:\*** In Bermuda Magisterial District, **H. H. HUNT CORPORATION** requested deferral to January 16, 2007, for consideration of rezoning and amendment of zoning district map of a 1,445.4 acre tract from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements plus Conditional Use to permit recreational facilities on 43.5 acres of the 1,445.4 acre tract and rezoning of a 169.1 acre tract from Agricultural (A) to Regional Business (C-4) with Conditional Use Planned Development to permit exceptions to Ordinance requirements plus Conditional Use on 3.0 acres of the 169.1 acre tract to permit an above-ground utility structure (water pump station). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and residential use of 1.01-2.5 units per acre. This request lies on 1,614.5 acres fronting approximately 2,890 feet on the south line of Bradley Bridge Road, also fronting in two (2) places for approximately 9,490 feet on the west line of Branders Bridge Road. Tax IDs 780-644-8171; 781-637-Part of 6541; 781-639-3251; 781-641-6250; 783-635-0505; and 784-641-6810.

Ms. Kim Kacani, the applicant's representative, requested deferral of Case 06SN0244 to the January 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to defer Case 06SN0244 to the January 16, 2007, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

**06SN0337:**\* In Bermuda Magisterial District, **NEAL O. AND ROSEMARY HAGER** requested deferral to January 16, 2007, for consideration of Conditional Use and amendment of zoning district map to permit a bed and breakfast and special events business incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies in an Agricultural (A) District on 9.1 acres fronting approximately 160 feet on the north line of Happy Hill Road across from Tarris Lane. Tax IDs 794-644-2068 and 4162.

Ms. Carrie Coyner, the applicant's representative, requested deferral of Case 06SN0337 to the January 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to defer Case 06SN0337 to the January 16, 2007, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

◆ **REQUEST FOR DEFERRAL BY STAFF.**

**07SN0146:** In Midlothian Magisterial District, **WINTERVEST, LLC** requested amendment of Conditional Use Planned Development (Case 03SN0316) and amendment of zoning district map relative to residential density, site design, building height and uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial, planned transition and village fringe use. This request lies in a Community Business (C-3) District on 33.9 acres fronting approximately 1,420 feet on the north line of Midlothian Turnpike approximately 340 feet west of Winterfield Road; also fronting approximately 970 feet on the west line of Winterfield Road approximately 370 feet north of Midlothian Turnpike. Tax IDs 724-709-2311, 2528, 4210, 5831, 6911, 7661 and 9121; and 725-709-1125 and 7635.

Mr. Wil Shewmake, the applicant's representative, stated he did not object to deferral of Case 07SN0146 to the January 16, 2007, Planning Commission meeting; however, he was not in a position to request the deferral.

Mr. Gecker stated he did not intend to defer the request on his own motion and asked that the request be moved to the Discussion Agenda.

It was, therefore, the consensus of the Commission was to place Case 07SN0146 with those cases requiring discussion.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

**07SN0143:** In Midlothian Magisterial District, **J. B. BARNETT** requested rezoning and amendment of zoning district map from Residential (R-7) to Agricultural (A) with Conditional Use to permit a contractor's shop and storage yard. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village shopping district use. This request lies on 0.7 acre and is known as 1224 Crowder Drive. Tax ID 729-708-2499.

Mr. J. B. Barnett, the applicant, accepted deferral of Case 07SN0143 by Mr. Gecker to the February 20, 2007, Planning Commission public hearing.

Mr. Wilson opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, and Mr. Gordon Meyer, a Midlothian resident and member of the Coalition, supported deferral of the request.

There being no one else to speak, Mr. Wilson closed the public comment.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 07SN0143 to the February 20, 2007, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

**07SN0154:** In Bermuda Magisterial District, **EK-JOT CENTER** requested Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 0.2 acres and is known as 11508 Maple Landing Place. Tax ID 778-655-5089.

The applicant's representative, accepted deferral of Case 07SN0154 by Mr. Wilson to the December 14, 2006, Planning Commission public hearing.

Mr. Wilson opened the discussion for public comment.

Ms. Karen Holmes, an area resident, supported deferral of the request.

There being no one else to speak, Mr. Wilson closed the public comment.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 07SN0154 to the December 14, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

**06SN0323:** In Dale Magisterial District, **NEW CINGULAR WIRELESS PCS, LLC** requested Conditional Use and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies on 0.4 acre lying approximately 1,060 feet off the south line of Courthouse Road approximately 1,500 feet east of Krause Road. Tax IDs 775-665-Part of 1730 and 777-665-Part of 1229.

Mr. Burke Lewis, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 06SN0323, subject to the following conditions:

**CONDITIONS**

1. There shall be no signs permitted to identify this use. (P)
2. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. In conjunction with site plan submission, or prior to release of a building permit, whichever occurs first, a landscaping plan depicting this requirement shall be submitted to the Planning Department for review and approval. (P)
3. The color and lighting system for the tower shall be as follows:
  - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
  - b. The tower shall not be lighted.
  - c. The tower shall be a monopole structure. (P)

4. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

5. The tower shall not exceed a height of 160 feet. (P)
6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT Mr. Gulley.

**07SN0175:** In Clover Hill Magisterial District, **DAVID GEE** requested rezoning and amendment of zoning district map from Agricultural (A) to Light Industrial (I-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies on 4.6 acres fronting approximately 460 feet on the east line of South Old Hundred Road approximately 700 feet north of Brandermill Parkway. Tax ID 731-686-0664.

Mr. Dan Ragsdale, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0175 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Public water and wastewater systems shall be utilized.
  - a. The developer will be required to extend the existing eight (8) inch water line along South Old Hundred Road to the northwestern boundary of the property (Tax ID#: 731-686-0664). (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Chesterfield County Department of Environmental Engineering and the approved device installed. (EE)
3. No direct vehicular access shall be provided from the property to Old Hundred Road. (T)

4. Prior to any site plan approval or within sixty days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way along the east side of Old Hundred Road, measured from the centerline of that part of Old Hundred Road, immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
5. No building or structure on the property shall exceed two (2) stories in height. (BI&P)
6. No free standing light fixture shall exceed twenty (20) feet in height. (P)
7. The following uses shall not be permitted:
  - a. Coating, engraving, and allied services
  - b. Converting paper to paperboard products, paper containers and boxes.
  - c. Fabricating sheet metal products
  - d. Lamp shade manufacturing
  - e. Linoleum, asphalt-feltbase, and other hard surface floor cover manufacturing
  - f. Machine shop
  - g. Recycling and processing of any material permitted to be manufactured in this district.
  - h. Wine, brandy, and brandy spirits manufacturing (P)
8. An on- or off-site stormwater retention mechanism shall be utilized in order to retain the 2, 10 and 100 year post development runoff and release at a 2, 10 and 100 year pre-development rate. (EE)

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
 ABSENT Mr. Gulley.

**07SN0140:\*** (Amended) In Midlothian Magisterial District, **GRCRE, LLC AND LATC, LLC** requested amendment to Conditional Use Planned Development (Case 91SN0172) and amendment of zoning district map relative to setbacks, uses and building height requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village square, village fringe area, planned transition area and passive recreation/conservation area uses. This request lies in Corporate Office (O-2) and Community Business (C-3) Districts on 61.3 acres fronting approximately 5,620 feet on the northwest line of North Woolridge Road east and west of Grove Hill Road; also fronting approximately 480 feet on the east line of Coalfield Road north of North Woolridge Road. Tax IDs 728-704-9939; 730-704-0475 and 6470; and 731-705-0120 and 2856.

Mr. John Easter, the applicant's representative, accepted staff's recommendation.

Mr. Wilson opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, and Mr. Gordon Meyer, a Midlothian resident and member of the Coalition, supported the request, citing changes to the

proposal that energized the community; exemplary and visionary approach to development and contributions to the community.

There being no one else to speak, Mr. Wilson closed the public comment.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0140, subject to the following condition and acceptance of the following proffered conditions:

#### CONDITION

The Textual Statement, dated October 25, 2006, shall be considered the Master Plan. (P)

#### PROFFERED CONDITION

The applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950) (as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns (the "Applicant"), proffers that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the Applicant, the proffers shall immediately be null and void and of no further force or effect:

1. The Applicant, subdivider, or assignee(s) shall pay, prior to the issuance of each residential building permit, the following to the County of Chesterfield for infrastructure improvements within the service district for the property:
  - a. If payment is made prior to July 1, 2007, \$15,600.00 per dwelling unit. At time of payment, \$15,600.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$8,915.00 for roads and \$404.00 for fire stations and \$5,331.00 for schools; or
  - b. If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit pro-rated as set forth in Proffered Condition 5(a) above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
  - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
  - d. If Chesterfield County imposes impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT Mr. Gulley.

◆ PUBLIC COMMENT REGARDING PROPOSED AMENDMENTS TO THE  
"CHESTERFIELD COUNTY PLANNING COMMISSION SUGGESTED PRACTICES AND  
PROCEDURES" AND "THE CHESTERFIELD COUNTY PLANNING COMMISSION BY-  
LAWS."

◆ ◆ ◆

The Planning Commission will take Public Comment on Proposed Amendments to the "Chesterfield County Planning Commission Suggested Practices and Procedures" and "The Chesterfield County Planning Commission By-Laws."

◆ ◆ ◆

Mr. Turner stated, at the October 17, 2006 meeting, the Commission held a work session to discuss amendments to the "Chesterfield County Planning Commission Suggested Practices and Procedures" and the "Chesterfield County Planning Commission By-Laws," recommended by the By-Laws Committee, and voted to take public input at the November 16, 2006, meeting at 7:00 p. m.

Mr. Wilson opened the discussion for public comment.

Ms. Andrea Epps, a County resident, expressed concern relative to the guidelines for the length of time allotted for individuals to speak.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Gecker explained the length of time allotted for representatives of groups to speak did not preclude any individual member of that group from exercising his/her right to speak for the three (3) minutes allotted to individual speaker and indicated he was comfortable with the proposal as presented.

Mr. Wilson concurred.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission adopted the following:

CHESTERFIELD COUNTY PLANNING COMMISSION  
"SUGGESTED PRACTICES AND PROCEDURES"

The Chesterfield County Planning Commission is established under the authority of the Code of Virginia to make recommendations to the Board of Supervisors of Chesterfield County and to assist the Board of Supervisors in the administration of the Zoning and Subdivision Ordinances, Comprehensive Plan, other matters affecting the development and growth of the County, and to promote programs, policies and plans to achieve a distribution of population and land development within the County to facilitate effective and adequate provision of public services and facilities. The following are adopted policies of the Chesterfield County Planning Commission:

- 1) Citizens should have the opportunity for meaningful input in the planning and zoning process;

- 2) The Planning Department and other co-reviewing departments shall assist applicants for the purpose of presenting applications in appropriate form and maximizing the clarity of presentation;
- 3) The planning and zoning process shall provide an orderly method for the presentation of proposed changes in zoning and it shall be applied uniformly among applicants.

In furtherance of these policies, the Chesterfield County Planning Commission has adopted the following suggested practices and procedures.

***Preapplication conferences.***

At least two (2) weeks prior to filing an application to amend, supplement or change the district boundaries or regulations of the Zoning Ordinance, every applicant shall meet with the Planning Department and other co-reviewing departments to discuss the request and receive input concerning the filing of the request. Applicants are strongly encouraged to submit requests in an accurate and final form to avoid deferrals or adverse staff recommendations. It is highly recommended that applicants resolve issues relating to the quality of the application with County staff prior to submission of the formal request.

***Coordination with Planning Commissioner.***

Applicants for rezonings, conditional uses, site plans, schematic plans, tentative subdivisions or other matters scheduled for the Planning Commission's consideration shall coordinate with the Planning Commissioner in whose district the affected property is located. The extent of coordination will differ depending on the nature of the application. The Planning Commissioner and the applicant shall determine the extent to which meetings are required.

***Notification of Affected Property Owners and Civic Associations.***

Applicants shall write to all adjacent property owners and offer to meet with them at least thirty days prior to the initial public hearing. Applicants shall also check the active civic association list on file with the Planning Department and contact those that may be affected by the application, offering to meet with them at least thirty days prior to the public hearing. If meetings with area property owners and civic associations are to be held, the applicants shall coordinate the scheduling of the meeting with the appropriate Commissioner and County staff. If an applicant has not previously given the Planning Department evidence that notice has been sent, the applicant shall state at the public hearing whether this notice has been given. In the event the notice has not been given, it shall be the policy of the Planning Commission to consider whether the case should be deferred.

***Deferrals.***

As noted above, public input is extremely important to the planning and zoning process. Requests for deferral can have different impacts depending upon the specific circumstances surrounding the request. For example, deferrals can have the impact of providing the public time to adequately assess the impact of the proposed case. Similarly, deferrals can also be useful to provide time for differences between the applicant and the surrounding neighborhoods to be addressed. The Commission recognizes that

appearance by the public at a series of meetings on the same case prior to the public hearing can have the negative impact of reducing the amount of public input in the process.

No applicant has a right to an automatic deferral. In order to minimize the inconvenience of deferrals to the public, the Planning Department and the Commission, an applicant requesting a deferral shall do so at least seventy-two (72) hours prior to the scheduled hearing. All requests for deferral shall be in writing to the Planning Department. In addition, it shall be the applicant's responsibility to notify adjacent property owners in writing of the deferral request at least seventy-two (72) hours prior to the scheduled hearing, but such notice should explain that the Commission may or may not grant the deferral and may choose to dispose of the case. If the applicant has not previously given the Planning Department evidence that adjacent property owners have been notified, the applicant shall state at the public hearing whether this notice has been given. In the event the notice has not been given, the Commission may elect to hold the public hearing and receive neighborhood comments prior to considering a request for deferral. The applicant or a representative shall be present at the scheduled public hearing from which the deferral is being requested.

### ***Amendments to Case.***

A full understanding of the case is imperative to good decision making. Amendments to applications made too close to the scheduled public hearing can adversely impact the ability of the staff, public and Commission to fully assess the impact of the proposed zoning change.

The policy of the Commission shall be that no zoning case shall be considered by the Commission if amendments are made less than thirty days prior to the scheduled public hearing unless it is the consensus of the Commission that representatives from the affected neighborhood(s), staff and the Commissioners have had sufficient time to evaluate the amendments. In the event it is determined that there has not been sufficient time to evaluate the amendments, it shall be the policy of the Commission to consider whether the case should be deferred.

### ***Guidelines for Length of Time for Individuals to Speak.***

Presentations by the applicant are limited to ~~45~~ 10 minutes. Presentations by individuals are limited to 3 minutes and presentations by representatives of groups are limited to ~~3~~ 5 minutes. The applicant's rebuttal time is limited to 5 minutes in addition to any time reserved by the applicant from his original 10-minute presentation. Staff shall be permitted an opportunity to respond to the presentations in accordance with ~~Article V(F)(f)~~ of the Chesterfield County Planning Commission By-Laws. The time used to respond to questions from the Commission will be excluded from the presentation time limits. Specified time limits may vary at the discretion of the Commission Chairman.

Neighborhoods should select a spokesperson to present their comments. The spokesperson ~~should~~ may ask all persons supporting his or her comments to stand to show their support in lieu of presenting repetitive comments.

~~Successive speakers for either the proponents or the opponents should address different issues and should not be repetitive.~~

*Code of Conduct.*

Commission Members

Commission members shall confine their decisions to the matters presented on the agenda.

Persons Appearing Before the Commission

Persons appearing before the Commission will not be allowed to:

- (a) campaign for public office;
- (b) promote private business ventures;
- (c) use profanity or vulgar language;
- (d) address pending litigation; or
- (e) address matters not on the Commission's agenda

With the exception of the Citizen Comment Period, comments by persons appearing before the Commission shall be germane to the item pending for discussion by the Commission.

These Suggested Practices and Procedures have been adopted and revised as follows:

Adopted: 10-17-00

Revised: 04-18-06

**Revised: 11-16-06** (1925:73280.2; Rev'd 10/25/06 @ 3:25 p. m.)

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission adopted the following:

CHESTERFIELD COUNTY PLANNING COMMISSION BY-LAWS

ARTICLE I

Name

The name of the organization shall be the CHESTERFIELD COUNTY PLANNING COMMISSION

ARTICLE II

Authority for Establishment

The Planning Commission is established under the authority of the Code of Virginia (1950, as amended), Chapter 22, Article 2. The Planning Commission (the "Commission") members shall be appointed by the

Board of Supervisors (the "Board"). There shall be one (1) member from each magisterial district. All members must reside in the County, and at least one-half of the members must be owners of real property.

### ARTICLE III

#### A. Powers and Duties of the Chesterfield County Commission

1. The Commission shall have and exercise the powers and duties conferred upon the Commission by the Code of Virginia (1950, as amended), the Code of the County of Chesterfield, Virginia, 1997, as amended, and any applicable County policies.
2. To make recommendations to the Board and assist them in the administration of the Zoning and Subdivision Ordinances, the Comprehensive Plan, other County policies and matters affecting the development and growth of the County and other matters as may be directed by the Board.
3. To promote programs, policies and plans to achieve a desirable distribution of population and land development within the County to facilitate effective and adequate provision of public services and facilities.
4. To appoint any committees or subcommittees.
5. By a majority vote, establish a work program with projects and priorities.

#### B. Elections and Appointments

1. The officers of the Commission shall consist of a Chairman, a Vice-Chairman and a Secretary.
2. The Chairman shall be elected by a majority of the Commission members present at each annual meeting and shall hold office until the next annual meeting, except in the year of a Board election. In the year of a Board election, the Chairman shall only hold office until December 31 of that year. The Chairman shall serve no more than two consecutive one-year terms. The Chairman shall have the following duties:
  - A. Preside at meetings of the Commission, promote the orderly and expeditious conduct of the meeting, and such other duties as are usually exercised by the Chairman of a Commission or as may be assigned by the Commission or Board.
  - B. Preserve order and decorum; decide questions of order and procedure; and set reasonable time limits for speakers and public hearings provided that by majority vote the Commission may reject such time limits.
  - C. The Chairman may speak, make motions, and vote on all questions.
3. The Vice-Chairman shall be elected by a majority of the Commission members present at each annual meeting, immediately after the election of the Chairman, and shall hold office until the next annual meeting, except in the year of a Board election. In the year of a Board election, the Vice-Chairman shall only hold office until December 31 of that year. The Vice-Chairman shall perform

the duties of the Chairman during the absence or disability of the Chairman. The Vice-Chairman shall serve no more than two consecutive one-year terms.

4. In the absence or disability of the Chairman and Vice-Chairman, the member with the most seniority, alphabetically, shall preside as Temporary Chairman until the Chairman or Vice-Chairman is present or is elected.
5. Any vacancy in the office of Chairman or Vice-Chairman may be filled by a majority vote of the Commission members present at the next meeting after such vacancy has occurred.
6. The Director of Planning shall serve as Secretary to the Commission. In his absence, the Director of Planning shall designate a staff member to serve as Temporary Secretary. The Secretary or his designee, shall have the following duties:
  - A. Perform the duties specified in these By-Laws and those assigned by the Commission, Chairman or Board.
  - B. Attend all Commission meetings and ensure that minutes are taken.
  - C. Maintain all official books, papers, maps and records of the Commission and conduct all official correspondence of the Commission.
  - D. Notify the Vice-Chairman, by telephone or in person, as soon as possible after the Secretary is informed that the Chairman will not attend a future Commission meeting.
  - E. Notify the Temporary Chairman, by telephone or in person, as soon as possible after the Secretary is informed that the Chairman and Vice-Chairman will not attend a future meeting.
  - F. Ensure that notices of all Commission meetings and availability of all materials provided the Commission members occurs in accordance with State law.
  - G. Notify all applicants of the final action of the Commission on tentative subdivision plans, schematic plans, site plans, development standard waivers, appeals or any other item on which the Commission has final authority.
  - H. Forward applications to amend, supplement or change the district boundaries or regulations of the zoning ordinance to the Commission with recommendations, if any.
  - I. Forward Commission recommendations to the Board. If the Commission's vote is split, or if the Commission's recommendation differs from staff's recommendation both positions shall be explained.

#### ARTICLE IV

##### Committees

1. Committees shall be established by majority vote of the Commission as deemed necessary.
2. Each committee shall consist of no fewer than two (2) people and no fewer than one (1) member of the Commission.
3. Subcommittees of committees shall be appointed by majority vote of any committee.
4. Committee and subcommittee meetings shall be open to the public. Notice of such meetings shall be made in accordance with the Virginia Freedom of Information Act. At least one copy of all agenda packets and, unless exempt, all materials furnished to members of a committee shall be made available for public inspection at the same time such documents are furnished to the members of the committee.
5. The members of committees (including subcommittees) shall serve for the duration of the committee unless a reassignment is made of a committee member by a majority vote of the Commission or a committee member resigns with written notice to the Secretary. Any vacancy in committees shall be filled by a majority vote of the Commission.

## ARTICLE V

### A. Meetings

#### 1. Annual Meeting

The annual meeting of the Commission shall be held in January of each year. The business of the meeting shall include election of officers ~~and scheduling of regular meeting dates for the year and January of the following year. There shall be at least one regular meeting date each month.~~ The annual meeting may be held on, but is not required to be held on a regular meeting date. In the year following a Board election, the Director of Planning shall schedule the annual meeting of the Commission and preside at the meeting until the election of the chairman.

#### 2. Regular Meetings

On regular meeting dates, the Commission shall hold public hearings to consider subdivision, schematic, site plan and development standard waiver requests, amendments to the comprehensive plan, substantial accord requests, zoning, conditional use, ordinance amendments and historic designation requests. In addition, the Commission may have a work session to discuss the business of the Commission and other matters which may come before it. New cases will not be called after 11:00 p.m. without a unanimous vote of the Commission members present.

In the event more than one regular meeting date is scheduled in any month, the required public notice shall establish the later date as a date to consider any items that cannot be disposed of on the first meeting date of that month. The meeting will be held in the Board of Supervisors' Public Meeting Room at the County Administration Building or at a place and time designated by the Commission.

When a matter is set for a public hearing pursuant to required advertisement, the matter shall be heard even though no one in favor of or in opposition to the application appears at the hearing unless the matter

is deferred or withdrawn. In the absence of a personal appearance by the applicant or agent, the Commission may proceed to dispose of the application or defer it to another meeting provided the law allows the Commission to defer the case on their own motion.

All motions to defer an item shall be to a date certain.

An application may be withdrawn by the applicant at any time prior to the Commission acting on the application. The Commission shall acknowledge the withdrawal.

All persons who speak at the hearing shall furnish their names to the Commission and become parties of record. A speaker shall only speak once on any item unless the Commission asks the speaker to address questions.

No person may address the Commission unless they have first been recognized by the Chairman. Each person who desires to speak shall be given time to present oral or written comments. Comments shall be directed to the Commission, not to the audience. (NOTE: The Planning Commission's Suggested Practices and Procedures provide for guidelines for length of time for individuals to speak.).

A deputy sheriff or Virginia law enforcement officer may serve as Sergeant at Arms.

### 3. Special Meetings

Special meetings of the Commission may be called by the Chairman or by two (2) members upon written request to the Secretary or by a majority vote of the Commission. At least five (5) days in advance of a special meeting, the Secretary shall mail to all members a written notice specifying the time, date, place, and purpose of the meeting.

Written notice to individual Commissioners of a special meeting is not required if the time of the special meeting has been fixed at an annual, special or regular meeting of the Commission, or if all members file a written waiver of notice, or if all members are present at the special meeting.

### 4. Meeting Dates

At the Commission's regular November meeting, except in Board of Supervisors election years, "regular meeting dates" for the next calendar year shall be scheduled. There shall be at least one (1) regular meeting date each month. In the year following a Board election, the regular meeting dates for the calendar year shall be scheduled at the annual meeting and there shall be at least one (1) regular meeting date each month.

### B. Rescheduling Meetings

1. The Chairman may cancel any meeting because of inclement weather and reschedule any such canceled meeting upon proper advertisement and notification.
2. The Commission may adjourn any meeting to any date and time that the Commission may set if required advertising and notification provisions are met. Provided, however, that a meeting that continues after midnight may be adjourned to a time on that same day without readvertisement and

notification. The motion of adjournment shall state the hour at which the adjourned meeting is to be reconvened.

#### C. Minutes of Meetings

1. The Commission may correct approved minutes only upon a clear showing that a clerical or administrative mistake was made.
2. Copies of draft, unapproved minutes shall be sent to Commissioners for approval. Draft minutes shall contain a disclaimer on each page which clearly indicates that it is a draft document.

#### D. Quorum

A quorum of the Commission shall consist of three (3) of the five (5) members of the Commission. A quorum must be present at all meetings to transact any official business and, unless otherwise required by law or these By-Laws, no action of the Commission is valid unless authorized by a majority vote of those present and voting. An abstention, although not a vote in favor or against the motion, shall be counted as a vote for the purpose of determining a quorum. Provided, however, if a Commissioner is disqualified in accordance with the State and Local Government Conflict of Interests Act, Va. Code §§ 2-1-639.1 2.2-3100 et seq., and this results in less than the number required by law to act, the remaining member or members shall have authority to act for the Commission by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of the remaining members.

If a quorum is not present at any meeting, items on the agenda requiring action shall be moved to the agenda of the next regular meeting of the Commission or to the agenda of a special meeting of the Commission, if one is called for that purpose.

#### E. Tie Vote

A tie vote on any motion means the defeat of the motion for a lack of a majority vote. When a tie vote occurs and no other motion is passed on the item, the item shall (i) be carried over to the next regularly scheduled meeting or (ii) to a time, date and place specified by a majority vote of the Commission, or (iii) disposed of as required by law. If the item cannot be carried over due to a statutory time limit, and the item requires Board action, the item will be forwarded to the Board with a report of the tie vote.

#### F. Order of Agenda for a Regular Meeting

To the extent necessary to consider items requiring Commission action, the order of the agenda for a regular Commission meeting shall be as follows, unless amended by majority vote and the Commission shall confine discussions to the matters contained on the agenda:

- A. Call to Order
- B. Requests to postpone action, additions or changes in the order of presentation.

C. Work Session (if applicable) including confirmation of administrative substantial accords, if any. Determination of cases to be assigned to the Commission's regularly scheduled Thursday agenda for the following meeting.

D. Afternoon Session:

- 1) Distribution of Agenda, Request Analyses and Recommendations, and other information to the general public.
- 2) Requests to postpone action, emergency additions or changes in the order of presentation.
- 3) Review meeting procedures.
- 4) Approval of minutes, if applicable.
- 5) Consideration of Subdivision, Schematic, Site Plan and Development Standard Waiver requests in the following order. Provided, however, that the Planning Department may schedule such requests for the evening session if there is an associated zoning, conditional use or substantial accord request scheduled for the evening session.
  - a) Withdrawals/deferrals
  - b) Cases where the applicant accepts the recommendation and there is no opposition
  - c) Cases where the applicant does not accept the recommendation and/or there is public opposition.

No tentative subdivision, site or schematic plan or development standard waiver shall be considered by the Commission until the required zoning exists on the subject property. The Commission may waive this policy provided the following conditions have been met:

- (i) A request for the necessary rezoning of the property has been heard and recommended for approval by the Commission;
- (ii) The application conforms to the zoning recommended by the Commission.
- (iii) Approval of the application is conditioned on Board approval of the zoning recommended by the Commission.

If the above conditions have not been met, the Commission shall deny, defer or accept a request to withdraw the application. The Commission retains the right to defer consideration of any development standard waiver, subdivision plat, site plan or schematic plan if, in their judgment, it is desirable to first have the

underlying zoning determined and the law allows the Commission to defer the case on their own motion.

- E. Field Trip (if applicable).
- F. Dinner.
- G. Evening Session:
  - 1) Distribution of Agenda, and "Request Analyses and Recommendations" and other information to the general public.
  - 2) Invocation. Any invocation shall be non-sectarian and given by a member of the Commission for the benefit of the members of the Commission.
  - 3) Pledge of Allegiance to the Flag of the United States of America.
  - 4) Review agenda for upcoming months.
  - 5) Requests to postpone action, additions or changes in the order of presentation (by majority vote).
  - 6) Review meeting procedures.
  - 7) Joint Public Hearing with the Preservation Committee (if applicable).
  - 8) Fifteen minute citizen comment period on unscheduled matters involving the services, polices and affairs of the County government regarding planning or land use issues.

Each citizen comment period shall be limited to 15 minutes and each speaker may not exceed 3 minutes. Citizen speakers shall abide by a lighting system providing warning lights. Citizens may only speak once per meeting during the citizen comment periods. No citizen shall speak on any matter of business that is a subject on the Commission's agenda for that day. Citizens may not yield time to other speakers.
- 89) Consideration of Zonings, Conditional Uses, Substantial Accords for which a public hearing is required, Comprehensive Plan amendments and other public hearings in the following order:
  - a) Withdrawals/deferrals.
  - b) Cases where the applicant accepts the recommendation and there is no opposition. If there is opposition, the case shall be moved to the beginning of the cases to be considered under d).

- c) Comprehensive Plan amendments and other public hearings.
- d) Cases where the applicant does not accept the recommendation and/or there is public opposition.

~~The conditional use/zoning agenda shall consist of a maximum of fifteen (15) cases. Cases will not be deferred to a meeting where the agenda exceeds this length. The Commission's action in this circumstance shall be to defer the case to the next available agenda. If the Commission cannot legally defer the case that long, the case shall "bump" the most recently submitted case from the overloaded agenda. The fifteen (15) cases to be placed on an agenda shall be determined as follows:~~

- ~~(i) Deferred cases shall be assigned to the end of the agenda.~~
- ~~(ii) Remaining places on the agenda shall be filled by new cases on a first come first served basis.~~

910) Other business.

11) Fifteen-minute citizen period on unscheduled matters involving the services, polices and affairs of the County government regarding planning or land use issues.

H. Adjournment to a designated place and time.

#### G. Order of Individual Items

The procedure for consideration of an individual item at any meeting shall be as follows, unless amended by majority vote:

- a. The Chairman or the Secretary shall call and describe the item.
- b. Comments and recommendations of the Planning staff (if necessary).
- c. Applicant's presentation (if necessary).
- d. Interested citizens' presentation in opposition/support (if necessary).
- e. Applicant's rebuttal (if necessary).
- f. Staff response (if necessary).
- g. Commission close of public hearing, discussion, questions, and action.

#### H. Rules of Order

Unless covered herein or established by Commission procedure or practice, parliamentary procedure in Commission meetings shall be by the most recent edition of Robert's Rules of Order. Any questions involving interpretation or application of Robert's Rule shall be addressed to the County Attorney who shall be the designated Parliamentarian representing the Commission.

#### I. Work Program

Annually, the Commission shall recommend to the Board a work program of major projects (i.e., plan amendments and major ordinance amendments) having priorities for the ensuing year.

### ARTICLE VI

#### Amendment and Suspension of By-Laws

With the exception of statutory requirements, the Commission may suspend the application of any of its By-Laws by a unanimous vote of all the members present at the time.

These By-Laws may be amended by a majority vote at any meeting of the Commission after not less than twenty-four (24) hours notice has been given to all members of the Commission and a copy of the proposed amendment sent with the notice.

Adopted: 7-22-80  
Revised: 10-28-80  
Revised: 5-24-83  
Revised: 12-21-83  
Revised: 11-20-84  
Revised: 4-19-88  
Revised: 2-20-90  
Revised: 4-20-93  
Revised: 1-27-97  
Revised: 4-15-97  
Revised: 5-1-97  
Revised: 10-17-00  
Adopted: 12/17/02

Adopted: 11/16/06 (1925:73279.2; Rev'd 10/25/06 @ 3:30 p. m.)

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

◆ **CODE AMENDMENT RELATIVE TO SUBZONES IN THE JEFFERSON DAVIS AND WALTHALL ENTERPRISE ZONES.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-25 of the Zoning Ordinance relating to Planning Department fee exemptions for Subzones within the Jefferson Davis and Walthall Enterprise Zones. The current Ordinance provides to qualifying businesses or property in the Enterprise Zones incentives such as exemptions from certain Planning Department fees. The proposed amendment would extend these Planning Department fee exemptions to qualifying businesses or properties that are located within the Subzones of the current Enterprise Zones.

◆ ◆ ◆

Mr. Mincks presented an overview of the proposed Code Amendment relative to Section 19-25 of the Zoning Ordinance relating to Planning Department fee exemptions for Subzones within the Jefferson Davis and Walthall Enterprise Zones.

No one came forward to speak in favor of, or in opposition to, the proposal.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Section 19-25 of the Code of the County of Chesterfield, 1997, is amended and re-enacted to read as follows:*

**Sec. 19-25. Fees.**

In addition to any other fees required by the county, fees shall be payable to the county treasurer and submitted to the planning department upon filing the following applications:

o o o

(f) Enterprise zone or subzone fee exemptions:

(1) For any office, commercial or industrial use within an enterprise zone or subzone designated by the Commonwealth of Virginia, no application fee shall be required for the following actions, provided the director of planning determines that the request is in compliance with the comprehensive plan:

a. Amend a condition of zoning

- b. Conditional use or planned development
- c. Deferral
- d. Sign permit
- e. Site plan review, resubmittal of site plan, or adjustment to an approved site plan
- f. Substantial accord determination
- g. Zoning reclassification

This exemption shall continue for the life of the enterprise zone or subzone. The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

(2) *That this ordinance shall become effective January 1, 2007. (1925:73328.1; Revised 10/11/2006 @ 10:43 a.m.)*

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

Mr. Turner recalled Case 07SN0146, Wintervest, LLC.

**07SN0146:** In Midlothian Magisterial District, **WINTERVEST, LLC** requested amendment of Conditional Use Planned Development (Case 03SN0316) and amendment of zoning district map relative to residential density, site design, building height and uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial, planned transition and village fringe use. This request lies in a Community Business (C-3) District on 33.9 acres fronting approximately 1,420 feet on the north line of Midlothian Turnpike approximately 340 feet west of Winterfield Road; also fronting approximately 970 feet on the west line of Winterfield Road approximately 370 feet north of Midlothian Turnpike. Tax IDs 724-709-2311, 2528, 4210, 5831, 6911, 7661 and 9121; and 725-709-1125 and 7635.

Ms. Rogers stated staff's recommendations that the applicant request deferral of Case 07SN0146, noting the applicant was continuing to work with staff to resolve concerns relative to, but not necessarily limited to, impacts on capital facilities, design guidelines, location of uses and compliance with the Comprehensive Plan.

Mr. Wil Shewmake, the applicant's representative, did not accept staff's recommendation, noting the proffered conditions fully addressed staff's concerns. He introduced Mr. Hunter Gee, the project architect, who explained the project's new urbanist design and addressed integration of uses, the layout of the

original proposal versus the revised proposal and other issues and emphasized the applicant's work with the Village of Midlothian Volunteer Coalition during the last few months.

Mr. Wilson opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, supported deferral of the request, citing unresolved staff and Coalition concerns.

Mr. Gordon Meyer, a Midlothian resident and member of the Coalition, stated the proposal needed further review and supported either deferral or denial of the request.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Shewmake addressed concerns relative to, and cited disadvantages of having to provide, public versus private streets in the development.

Mr. Litton expressed concern that the "Request Analysis" lacked sufficient information for the Commission to render a recommendation.

Mr. Gecker stated while it appeared there was disagreement between staff and the applicant as to whether or not the request was in the appropriate posture for action, the overriding question was whether or not additional residential development was appropriate. He indicated it to be unfair for the applicant to expect the Commission to use their deferral time when the case was clearly not ready for consideration. He indicated the core issue, however, was not the details of design, but whether or not the proposed residential uses on the western part of the property were appropriate and compliant with the Comprehensive Plan. He indicated that the original zoning allowed residential densities in excess of the Plan recommendation with the understanding that a mixed use development would occur; however, the current proposal now would allow encroachment of residential uses into the commercial core of the project. He stated, therefore, rather than expend a great amount of time developing the details under which residential would be appropriate, the Commission should first determine whether the proposed residential land uses were appropriate.

Messrs. Litton and Wilson indicated that they did not have sufficient information to arrive at a recommendation.

Mr. Bass concurred with Mr. Gecker; Mr. Wilson concurred with Mr. Litton.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend denial of Case 07SN0146.

AYES: Messrs. Gecker and Bass.

ABSTENTION: Messrs. Wilson and Litton.

ABSENT: Mr. Gulley.

**07SN0151:** In Midlothian Magisterial District, **WARD HAMILTON** requested Conditional Use and amendment of zoning district map to permit a computer-controlled, variable-message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The

Comprehensive Plan suggests the property is appropriate for regional mixed use uses. This request lies in a Corporate Office (O-2) District on 6.3 acres and is known as 10800 Center View Drive. Tax ID 743-710-9675.

Mr. Clay presented an overview of the request and staff's recommendation for approval, noting the proposed computer-controlled, variable message electronic sign, with the condition recommended by staff, conformed to the Zoning Ordinance and adopted policy for such signs. He stated the requested exceptions to the Electronic Message Center Policy could set a precedent for similar requests and, given these considerations, staff recommended the proffered condition not be accepted.

Mr. Ward Hamilton, the applicant, accepted the Commission's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gecker indicated he appreciated staff's concerns but felt it appropriate to deviate from policy to recommend approval of the request, noting the site was located across the street from the rear of a shopping center and not along a major thoroughfare.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 07SN0151 and acceptance of the following proffered condition:

#### PROFFERED CONDITION

In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. Copy shall be limited to a maximum of four (4) lines which shall not move, but may fade;
- b. The message or display shall be programmed or sequenced to change no more than once every ten (10) seconds;
- c. Flashing and traveling messages shall be prohibited; and
- d. Bijou lighting and animation effects shall be prohibited. (P)

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

**07SN0166:** In Dale Magisterial District, **G & E ENTERPRISES** requested rezoning and amendment of zoning district map from Neighborhood Business (C-2) and Corporate Office (O-2) to Community Business (C-3) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office and residential use of various densities. This request lies on .6 acre lying approximately twenty (20) feet off the east line of Hopkins Road approximately 300 feet south of Meadowdale Boulevard. Tax ID 781-684-1434.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed restaurant uses did not conform to the *Central Area Plan*; due to the proximity of the two (2) elementary schools (Hopkins and Beulah) and the limited size of the parcels, uses on along Hopkins Road within the mixed use corridor should be limited to office and residential uses only with no supporting retail uses; the proposed zoning and land uses were not representative of, nor compatible with, existing and anticipated area residential and office development; and the requested parking exception would not ensure provision of an adequate number of parking spaces for restaurant and fast food restaurant uses.

Mr. Wil Shewmake, the applicant's representative, did not accept staff's recommendation; addressed issues relative to on-site parking, cross easement with access, and proposed uses; noted the proposed coffee and ice cream business would be beneficial and an asset to the revitalization of the area; and asked the Commission to consider a recommendation for approval.

Mr. Wilson opened the discussion for public comment.

Mr. Whitney Frye, an adjacent property owner, stated he was unaware of the proposal and had concerns relative to adequate access; a reduction in the number of parking spaces resulting in patrons of this business utilizing his parking area; and the impact of the use on drainage. He stated he did not object to improvements in the area but did object to uses that would adversely impact the area.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Shewmake stated he had met Mr. Frye at the site to discuss the proposal. He emphasized the proposed use would not have the same impact on traffic or the flow of business in the area as a fast-food use would.

Mr. Litton stated he had reviewed/rejected several proposals for the property but felt the proposed coffee shop use was superior to other uses proposed for the property and was appropriate for the area.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 07SN0166, subject to the following condition and acceptance of the following proffered conditions:

#### CONDITION

The Textual Statement dated October 16, 2006 shall be considered the master plan. (P)

#### PROFFERED CONDITIONS

1. Uses. Uses shall be limited to those uses permitted by right or with restrictions in the Neighborhood Office (O-1) District plus restaurant uses, to include fast food restaurants without drive-in windows. (P)
2. Stormwater Retention. The developer will retain the ten year post-development runoff on site and release at the two year pre-development rate. (EE)

3. Direct vehicular access to Hopkins Road shall be limited to one entrance/exit. The exact location of this entrance/exit shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded from Hopkins Road to the adjacent property to the north. (T)

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

**06SN0327:\*** (Amended) In Dale Magisterial District, **DEAN E. HAWKINS, ASLA** requested rezoning and amendment of zoning district map from Agricultural (A) to General Business (C-5) with Conditional Use to allow outside storage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 8.6 acres lying approximately 400 feet off the east line of Iron Bridge Road approximately 830 feet south of Kingsland Road. Tax IDs 772-673-Part of 3836 and Part of 9738.

Mr. Clay presented an overview of the request and staff's recommendation for approval.

Mr. Dean Hawkins, the applicant, accepted staff's recommendation, noting the project was an expansion of the existing office/warehouse facility located on the adjacent property. He further addressed the proffered conditions, outlined in the "Request Analysis," citing improvements proposed to address area residents' concerns.

Mr. Wilson opened the discussion for public comment.

Ms. Betty Taylor, a resident of Iron Bridge Road, expressed concerns relating to the impact of the proposal on her well, the installation of a fence, traffic and treatment for mosquitoes; and asked that assurances be made there would be no impact to her water table and that drainage would flow away from her property.

Mr. Bruce Taylor, a resident of Quaiff Lane, stated he did not oppose the development but felt it should be achieved properly so as not to exacerbate the existing drainage/flooding problems and to preclude the use of the private road by heavy trucks.

Mr. G. B. Spencer, an area resident, supported the proposal provided the property was developed properly; however, he had reservations that the County could enforce the requirements.

There being no one else to speak, Mr. Wilson closed the public comment.

Messrs. Gecker and Bass indicated that the drainage concerns could be addressed with a proffer for a performance standard regarding runoff.

Mr. Litton indicated the zoning for the existing development required that if the well on the adjacent property were contaminated by the project, the developer would extend public water; noted that while the well had not been contaminated, there was some indication that the development may have adversely impacted the volume of water in the well; expressed concerns relative to the height of any outside storage areas; and stated he intended to recommend denial of the request.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to recommend denial of Case 06SN0327.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

**G. CITIZENS' INPUT ON UNSCHEDULED MATTERS.**

No one came forward to speak on unscheduled matters at this time.

**H. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Litton, that the meeting adjourned at approximately 9:20 p. m. to 10:00 a. m. on Monday, November 20, 2006, at the L. Douglas Wilder Cooperative Extension Building at Virginia State University, for the Chesterfield County Transportation Summit.

AYES: Messrs. Wilson, Gecker, Litton and Bass.  
ABSENT: Mr. Gulley.

---

Chairman/Date

---

Secretary/Date